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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Doris, et al.

Serial No.: 10/710,272

Group Art Unit: 2812

Filed: June 30, 2004

Examiner: Tsai, H.

For: METHOD AND STRUCTURE FOR STRAINED FINFET DEVICES

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450**DECLARATION UNDER 37 C. F. R. §1.131**

Sir:

We, Bruce Bennett Doris, Diane C. Boyd, and Huilong Zhu, do hereby state that:

- 1) We are the inventors of the above-identified application.
- 2) The method, system, and program products for distributed content throttling in a computing environment was known to us earlier than June 2, 2004, as shown in the enclosed memorandum (Exhibit 1). The effective date of the memorandum (Exhibit 1) is earlier than June 2, 2004, and the date thereof has been redacted.
- 3) The contents of the enclosed memorandum (Exhibit 1) have been incorporated into the specification of the present invention, upon which claims 1-30 are based. For example, the memorandum paragraph (e.g., A) describing the problem being addressed and beginning with the words "Double gate devices are the most suitable ..." can be found in the specification (e.g., in paragraph [0002]).

The memorandum paragraph (e.g., B) beginning with the words "Another advantage ..." can be found in the specification (e.g., in paragraph [0006]).

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The memorandum paragraph (e.g., C) beginning with the words "A unique aspect of the ..." can be found in the specification (e.g., in paragraph [0028]).

The memorandum paragraph (e.g., D) beginning with the words "This invention takes advantage ..." can be found in the specification (e.g., final sentence in paragraph [0028]).

4) Regarding the present invention itself, the memorandum paragraph (e.g., E) beginning with the words "An SOI wafer ..." can be found in the specification (e.g., in paragraph [0030]).

The memorandum paragraph (e.g., F) beginning with the words "Well implants may be implanted ..." can be found in the specification (e.g., in paragraph [0031]).

The memorandum paragraph (e.g., G) beginning with the words "The extension are implanted ..." can be found in the specification (e.g., in paragraph [0032]).

The memorandum paragraph (e.g., H) beginning with the words "A dielectric film of ..." can be found in the specification (e.g., in paragraphs [0033] and [0034]). It is noted that independent claim 1 is also demonstrated in the memorandum paragraph.

The memorandum paragraph (e.g., I) beginning with the words "A similiar lithography ..." can be found in the specification (e.g., in paragraphs [0035] and [0036]).

The memorandum figure (e.g., AA) can be found in the specification (e.g., in Figure 3).

The memorandum figure (e.g., BB) can be found in the specification (e.g., in Figure 4).

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The memorandum figure (e.g., CC) can be found in the specification (e.g., in Figure 5).

The memorandum figure (e.g., DD) can be found in the specification (e.g., in Figure 6).

The memorandum figure (e.g., EE) can be found in the specification (e.g., in Figure 7).

An attachment figure (e.g., FF) to the memorandum can be found in the specification (e.g., in Figure 9).

An attachment figure (e.g., GG) to the memorandum can be found in the specification (e.g., in Figure 10).

5) The above clearly evidences a completion of the invention in this country before the filing date (e.g., June 2, 2004) of U.S. Patent Application Publication No. US 2004/0259315 A1 to Sakaguchi et al.

6) In the alternative, we declare that the claimed invention was conceived prior to June 2, 2004 (e.g., as shown by the attached Memorandum (Exhibit 1) having a date (now redacted) prior to June 2, 2004) and, coupled with due diligence from a date before June 2, 2004, that the invention was constructively reduced to practice on June 30, 2004. That is, as evidenced by Exhibits 2 and 3, the first version of the Application completed review at McGinn Intellectual Property Law Group and was sent to the inventors and to the IBM Intellectual Property Department via facsimile on May 24, 2004. Exhibits 4-22 evidence the almost-daily account of the effort to get the Application delivered to the IBM Intellectual Property Department on June 23, 2004, and the executed formal papers were filed electronically on June 30, 2004.

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7) The facts above in 5) clearly show a completion of the invention in the U.S. before June 2, 2004. Alternatively, the facts in 6) above show a conception of the invention, prior to June 2, 2004, and due diligence from just before June 2, 2004, to the filing date (i.e., the constructive reduction to practice) of the Application on June 30, 2004.

We hereby declare that all statements made here are of own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon .

Further declarants sayeth not.

Date:

\_\_\_\_\_  
Bruce Bennett Doris

Date: February 17, 2006

\_\_\_\_\_  
Diane C. Boyd

Date:

\_\_\_\_\_  
Huilong Zhu